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3762

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3762

In re Patent Application of:

John D. Puskas

Application No. 09/980,421

Filed: April 23, 2002

Examiner: Dana D. Greene

“DEVICE AND METHODS FOR VAGUS
NERVE STIMULATION”

I, Elizabeth Eiche, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date of my signature.

Elizabeth Eiche

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR §1.97(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner's attention is directed to the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B. Copies of the non-patent literature references are enclosed.

No concession is made that these documents are prior art, and Applicant expressly reserves the right to antedate the documents as may be appropriate.

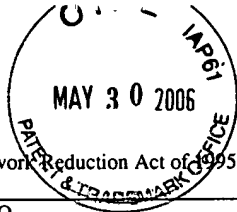
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Respectfully submitted,

Raye Lynn Daugherty

Raye L. Daugherty
Reg. No. 47,933

File No. 065071-9053-01
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Ste. 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560



TO/SB/08A

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

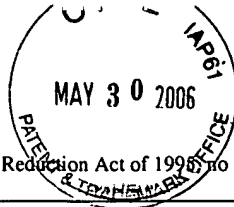
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 1 of 7		Complete if Known		
		Application Number	09/980,421	
		Filing Date	April 23, 2002	
		First named Inventor	John D. Puskas	
		Group Art Unit	3762	
		Examiner name	Dana D. Greene	
		Attorney Docket Number	065071-9053-01	
U.S. Patent Documents				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		3,614,995	Probert, et al.	10/26/1971
		3,804,098	Friedman	4/16/1974
		4,088,138	Diack, et al.	5/9/1978
		4,198,963	Barkalow, et al.	4/22/1979
		4,161,952	Kinney, et al.	7/24/1979
		4,176,660	Mylrea, et al.	12/4/1979
		4,321,929	Lemelson, et al.	3/30/1982
		4,603,705	Speicher, et al.	8/5/1986
		4,715,367	Crossley	12/29/1987
		4,919,147	Reinhardt, et al.	4/24/1990
		4,931,464	Grover, et al.	6/5/1990
		4,952,586	Morris, et al.	8/28/1990
		5,003,991	Takayama, et al.	4/2/1991
		5,007,893	Row	4/16/1991
		5,025,807	Zabara	6/12/1991
		5,036,848	Hewson	8/6/1991
		5,050,600	Parks	9/24/1991
		5,117,822	Laghi	6/2/1992
Examiner Signature			Date Considered	

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	Application Number	09/980,421
	Filing Date	April 23, 2002
	First named Inventor	John D. Puskas
	Group Art Unit	3762
	Examiner name	Dana D. Greene
	Attorney Docket Number	065071-9053-01

U.S. Patent Documents

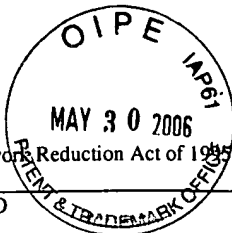
Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	5,154,172	Terry, Jr., et al.	10/13/1992
	5,178,149	Imburgia, et al.	1/12/1993
	5,179,950	Stanislaw	1/19/1993
	5,179,952	Buinevicius, et al.	1/19/1993
	5,186,170	Varrichio et al.	2/16/1993
	5,188,104	Wernicke et al.	2/23/1993
	5,191,885	Bilof, et al.	3/9/1993
	5,215,086	Terry, Jr. et al.	6/1/1993
	5,231,988	Wernicke et al.	8/3/1993
	5,235,980	Varrichio et al.	8/17/1993
	5,265,623	Kroll, et al.	11/30/1993
	5,269,303	Wernicke et al.	12/14/1993
	5,299,569	Wernicke et al.	4/5/1994
	5,304,220	Maginot	4/19/1994
	5,335,657	Terry, Jr. et al.	8/9/1994
	5,379,765	Kajiware, et al.	1/10/1995
	5,423,877	Mackey	6/13/1995
	5,458,625	Kendall	10/17/1995

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 3 of 7	Complete if Known	
	Application Number	09/980,421
	Filing Date	April 23, 2002
	First named Inventor	John D. Puskas
	Group Art Unit	3762
	Examiner name	Dana D. Greene
Attorney Docket Number		065071-9053-01

U.S. Patent Documents

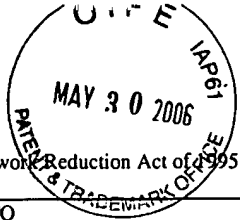
Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	5,476,485	Wienberg, et al.	12/19/1995
	5,531,776	Ward, et al.	7/2/1996
	5,656,420	Chien	8/12/1997
	5,662,689	Elsberry, et al.	9/2/1997
	5,700,282	Zabara	12/23/1997
	5,707,400	Terry, Jr., et al.	1/13/1998
	5,755,682	Knudson, et al.	5/26/1998
	5,792,187	Adams	8/11/1998
	5,799,661	Boyd, et al.	9/1/1998
	5,824,021	Rise	10/20/1998
	5,836,994	Bourgeois	11/17/1998
	5,846,264	Andersson, et al.	12/8/1998
	5,874,420	Pelleg	2/23/1999
	5,893,881	Elsberry, et al.	4/13/1999
	5,928,272	Adkins, et al.	7/27/1999
	5,964,789	Karsdon	10/12/1999
	5,971,911	Wilk	10/26/1999
	5,995,872	Bourgeois	11/30/1999

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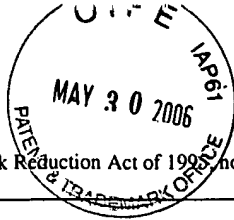
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 4 of 7		Application Number	09/980,421
		Filing Date	April 23, 2002
		First named Inventor	John D. Puskas
		Group Art Unit	3762
		Examiner name	Dana D. Greene
		Attorney Docket Number	065071-9053-01
U.S. Patent Documents			
Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	6,007,559	Arkans	12/28/1999
	6,014,588	Fitz	1/11/2000
	6,042,538	Puskas	3/28/2000
	6,073,048	Kieval, et al.	6/6/2000
	6,103,722	Schultz, et al.	8/15/2000
	6,184,239 (withdrawn)	N/A	N/A
	6,234,985	Lurie, et al.	5/22/2001
	6,253,108	Rosborough, et al.	6/26/2001
	6,299,564	Gessler, et al.	10/9/2001
	6,303,293	Puskas	10/16/2001
	6,304,777	Ben-Haim, et al.	10/16/2001
	6,429,217	Puskas	8/6/2002
	6,473,644	Terry, Jr. et al.	10/29/2002
	6,479,523	Puskas	11/12/2002
	6,587,719	Barrett et al.	7/1/2003
	6,609,025	Barrett et al.	8/19/2003
	5,154,172	Barrett et al.	9/16/2003
	6,622,038	Barrett et al.	9/16/2003
Examiner Signature		Date Considered	

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 5 of 7	Complete if Known	
	Application Number	09/980,421
	Filing Date	April 23, 2002
	First named Inventor	John D. Puskas
	Group Art Unit	3762
	Examiner name	Dana D. Greene
	Attorney Docket Number	065071-9053-01

U.S. Patent Documents

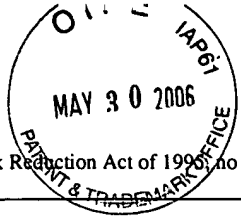
Examiner Initials	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
	6,622,041	Terry, Jr. et al.	9/16/2003
	6,622,047	Barrett et al.	9/16/2003
	6,656,960	Puskas	12/12/2003
	6,711,436	Duhaylongsod	3/23/2004
	6,721,603	Zabara et al.	4/13/2004
	6,778,854	Puskas	8/17/2004
	6,904,318	Hill et al.	6/7/2005
	6,912,419	Hill et al.	6/28/2005
	RE 38,654	Hill et al.	11/23/2004
	RE 38,705	Hill et al.	2/22/2005
	2002/0198570	Puskas	12/26/2002
	2002/0198571	Puskas	12/12/2002
	2003/0074039	Puskas	4/17/2003
	2004/0024422	Hill et al.	2/5/2004
	2004/0059383	Puskas	3/25/2004
	2004/0111118	Hill et al.	6/10/2004
	2004/0162584	Hill et al.	8/19/2004
	2004/0172075	Shafer et al.	9/2/2004

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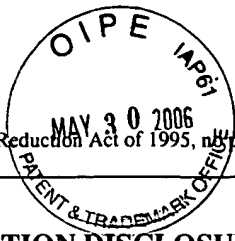
Substitute for form 1449/PTO		Complete if Known					
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 6 of 7		Application Number	09/980,421				
		Filing Date	April 23, 2002				
		First named Inventor	John D. Puskas				
		Group Art Unit	3762				
		Examiner name	Dana D. Greene				
		Attorney Docket Number	065071-9053-01				
U.S. Patent Documents							
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document			
		2004/0186517	Hill et al.	9/23/2004			
		2004/0186531	Jahns et al.	9/23/2004			
		2005/0096707	Hill et al.	5/5/2005			
		2005/0143412	Puskas	6/30/2005			
FOREIGN PATENT DOCUMENTS							
Examiner Initials		Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract
		AU	98/90156	Duhaylongsod	3/1/1999		
		AU	779255	Puskas	6/23/2000		
		CA	2,310,183	Puskas	8/26/1998		
		CA	2,376,903	Puskas	6/23/2000		
		EP	0440111	McEwen	8/7/1991	X	
		EP	1181947	Borkan	2/27/2002	X	
		EP	1005337	Puskas	5/11/2005		
		JP	2000-507363	Puskas	8/26/1998		
		JP	2001/505980	Puskas	6/23/2000		
		MX	2043	Puskas	8/26/1998		
		WO	99/00057	Ward	1/7/1999	X	
		WO	99/07354	Duhaylongsod	2/18/1999		
		WO	99/63926	Lurie, et al.	12/16/1999	X	
		WO	00/01306	Scher, et al.	1/13/2000	X	
		WO	00/09206	Mehra, et al.	2/24/2000	X	

Examiner Signature		Date Considered	
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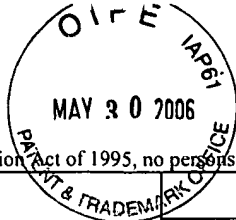
Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 7 of 7		Complete if Known			
		Application Number		09/980,421	
		Filing Date		April 23, 2002	
		First named Inventor		John D. Puskas	
		Group Art Unit		3762	
		Examiner name		Dana D. Greene	
		Attorney Docket Number		065071-9053-01	
U.S. Patent Documents					
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document		Date of Publication of Cited Document
	WO	02/26320	Hill, et al.	4/4/2002	X

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				Application Number	09/980,421
				Filing Date	November 30, 2001
				First Named Inventor	John D. Puskas
				Group Art Unit	3762
				Examiner Name	Dana D. Greene
Sheet	1	of	3	Attorney Docket Number	065071-9053-01

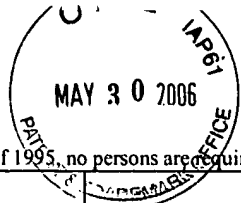
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		AGNEW, William F., et al., "Considerations for Safety with Chronically Implanted Nerve Electrodes, Epilepsia, 31(Suppl. 2), 1990, pp. S27-S32, Raven Press, Ltd., New York.
		BELL, et al., "Intropic Responses of the Left Ventricle to Changes in Heart Rate in Anesthetized Rabbits," Can. J. Physiol. Pharmacol., 1983, 62:531-538.
		BENETTI, F.J., "Direct coronary Artery Surgery with Saphenous Venin Bypass Without Either Cardiopulmonary Bypass or Cardiac Arrest, J. Cardiovasc. Surg., 26:217-222.
		BENETTI, et al., "Use of Thoracoscopy and a Minimal Thoracotomy, in Mammary-Coronary Bypass to Left Anterior Descending Artery, Without Extracorporeal Circulation, "J. Cardiovasc. Surg., 36:159-161.
		BRODDE, Otto-Erich, et al., "Cardiac Muscannic Receptors Decrease with Age In Vitro and In Vivo Studies," Journal of Clinical Investigation, 1998, Vol. 101, No. 2, pp.471-478.
		Declaration/Clarification of John D. Puskas, 2005.
		DiMARCO, J.P., M.D., et al. "Adenosine: Electrophysiologic Effects and Therapeutic Use for Terminating Paroxysmal Supraventricular Tachycardia," Therapy and Prevention Arrhythmia, Circulation 68, No. 6, 1983, pp. 1254-1263.
		FANNING, et al., "Reoperative Coronary Artery Bypass Grafting Without Cardiopulmonary Bypass," Ann. Thorac. Surg., 55:486-489.
		FREILICH, A., M.D., et al., "Adenosine and its Cardiovascular Effects," American Heart Journal, vol. 123, No. 5, May 1992, pp. 1324-1328.

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				Filing Date	November 30, 2001
				First Named Inventor	John D. Puskas
				Group Art Unit	3762
				Examiner Name	Dana D. Greene
Sheet	2	of	3	Attorney Docket Number	065071-9053-01

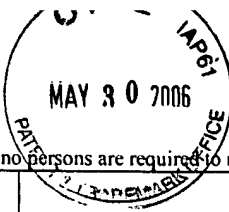
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		GORMAN, Christine, et al., "How New Heart-Scanning Technology Could Save Your Life," <u>Time</u> , September 5, 2005, pp. 61 and 67.
		HAMMOND, Edward J., et al., "Vagus Nerve Stimulation in Humans: Neurophysiological Studies and Electrophysiological Monitoring," <u>Epilepsia</u> , 31 Suppl. 2), 1990, pp. S51-S59, Raven Press, Ltd., New York.
		KLASSEN, et al., "Coronary Venous Pressure and Flow: Effects of Vagal Stimulation, Aortic Occulsion, and Vasodialators," <u>Can. J. Physiol. Pharmacol.</u> , 1983, 62: 531-538.
		LEVY, M. et al., "Autonomic Control fo Cardiac Pacemaker Activity and Atrioventricular Transmission," <u>Journal of Applied Physiology</u> , Vol. 27, No. 4, October 1969.
		LOCKARD, Joan S., et al., "Feasibility and Safety of Vagal Stimulation in Monkey Model," <u>Epilepsia</u> , 31(Supp. 2), 1990, pp. S20-S26, Raven Press, Ltd., New York.
		MOHIUDDIN, S.M., M.D., et al., "Safety of Different Dosages of Intravenous Adenosine Used in Conjunction with Diagnostic Myocardial Imaging Techniques," <u>Pharmacotherapy</u> , 1993, 13(5), pp. 476-480.
		NOONAN, David, "And the Beat Goes On," <u>Newsweek</u> , July 11, 2005, pp. 56-57.
		PACE, (on the use of nerve cuff stimulation of vagal nerves, October 1992, Vol. 15, No. 10, pt. 11, pp. 1543-1630.
		PFISTER, et al., "Coronary Artery Bypass Without Cardiopulmonary Bypass," <u>Ann. Thorac, Surg.</u> , 54: 1085-92.

Examiner Signature		Date Considered	
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/980,421
				Filing Date	November 30, 2001
				First Named Inventor	John D. Puskas
				Group Art Unit	3762
				Examiner Name	Dana D. Greene
Sheet	3	of	3	Attorney Docket Number	065071-9053-01

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		RANDALL, Walter C., PhD., "Parasympathetic Control of the Heart," Chapter 4, Nervous Control of Cardiovascular Function, 1984, pp. 68-94.
		REID, Steven A., "Surgical Technique for Implantation of the Neurocybernetic Prosthesis," Epilepsia, 31 (Suppl. 2), 1990, pp. S38-S39, Raven Press, Ltd., New York.
		RUTECKI, Paul, "Anatomical, Physiological, and Theoretical Basis for the Antiepileptic Effect of Vagus Nerve Stimulation," Epilepsia, 31(Suppl. 2), 1990, pp. S1-S6, Raven Press, Ltd., New York.
		SUBRAMANIAN, V.A., Eur. J Cardio-Thorac Surg, "Clinical Experience with Minimally Invasive Reoperative Coronary Bypass Surgery," 1996, 10:1058-1063.
		TERRY, Reese, et al., "An Implantable Neurocybernetic Prosthesis System," Epilepsia, 31 (Suppl. 2, 1990, pp. S33-S37, Raven Press, Ltd. New York.
		UTHMAN, Basim M., et al., "Efficacy and Safety of Vagus Nerve Stimulation in Patients with Complex Partial Seizures," Epilepsia, 31(Suppl. 2), 1990, pp. S44-S50, Raven Press, Ltd., New York.
		WESTABY, S., "Coronary Surgery Without Cardiopulmonary Bypass," British Hearth Journal, 73: 203-205.
		WOODBURY, Dixon M., et al., "Effects of Vagal Stimulation on Experimentally Induced Seizures in Rats," Epilepsia, 31(Suppl. 2), 1990, pp. S7-S19, Raven Press, Ltd., New York.

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